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ORDINANCE NO. 2005-17

RENTAL DWELLING UNIT MAINTENANCE AND INSPECTION

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance establishes a comprehensive program of periodic inspections of specified rental dwelling units in the County. This ordinance requires property owners to maintain rental dwelling units and their premises in accordance with state and local building and housing laws and with maintenance standards established by this chapter. This ordinance requires property owners to correct all substandard conditions identified during inspections carried out under this chapter and provides for reinspections of properties to ensure that substandard conditions are corrected.

SECTION II. Chapter 720-8 is added to the County Ordinance Code, to read:

Chapter 720-8 RENTAL DWELLING UNIT MAINTENANCE AND INSPECTION

Article 720-8.2 General Provisions

720-8.202 Title. This chapter is known as the Rental Dwelling Unit Maintenance and Inspection Ordinance of Contra Costa County. (Ord. 2005-17 § 2.)

720-8.204 Purposes. The purposes of this ordinance are to proactively identify blighted and deteriorated housing stock; ensure the rehabilitation or abatement of housing that does not comply with state and local building and housing laws and with maintenance standards established by this chapter or is unsafe to occupy; and preserve and enhance the quality of life for residents of the County living in rental dwelling units. (Ord. 2005-17 § 2.)

720-8.206 Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

- (a) "County Building Official" is the director of the Building Inspection Department or his or her designee.
- (b) "Property Owner" means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property. If more than one person or

entity owns the subject real property, "property owner" refers to each person or entity holding any portion of the fee interest in the property, and the property owners' obligations in this chapter are joint and several as to each property owner.

- (c) "Rental Dwelling Unit" means any building or portion of a building in the unincorporated area of the County that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, which is hired, rented or leased by a person within the meaning of Civil Code Section 1940. A "rental dwelling unit" includes a single family dwelling, or a unit in a multifamily or multipurpose dwelling, or a unit in a condominium or cooperative housing project, or any room or group of rooms located within a dwelling and forming a single unit with facilities that are used or intended to be used for living, sleeping, cooking or eating. The definition of rental dwelling unit applies to any dwelling space that is actually used or available for residential purposes whether or not the residential use is legally permitted. The definition of rental dwelling unit applies to single room occupancy hotels but does not apply to any other hotels, motels, or bed and breakfast facilities.
- (d) "Single Room Occupancy Hotel" means any building that contains six or more rooms intended or designed to be used, rented or occupied for sleeping or living purposes by tenants and is the primary residence of those tenants. A "single room occupancy hotel" is not a building containing six or more rooms that is primarily used by transient guests who do not occupy the building as their primary residence.
- (e) "Substandard Condition" means a rental dwelling unit or its premises that is:
 - (1) Not in compliance with the California Building Standards Codes as adopted in Title 7 of this code, including the building, electrical, plumbing, and mechanical codes; the Uniform Housing Code as adopted in Title 7 of this code; the State Housing Law (Health and Safety Code section 17910 et seq.); or the exterior maintenance standards and site maintenance standards established by Article 720-8.4; or
 - (2) Unsafe to occupy pursuant to the Uniform Housing Code, as modified. (Ord. 2005-17 § 2.)

720-8.208 Application.

(a) This chapter applies to all existing residential rental dwelling units, as defined in this chapter, including units owned, operated, or subsidized by public agencies, except for units owned by the Housing Authority of the County of Contra Costa and except as provided in Section 720-8.210. This chapter also applies to the premises on which these units are located, including

- parking lots, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs, and spas.
- (b) The provisions of this chapter are supplementary and complementary to other provisions of this code and applicable statutes. Nothing in this chapter may be construed to limit any existing right of the County to abate nuisances or to enforce any provisions of applicable law, statute, or this code, including provisions of uniform codes adopted by reference in this code. These provisions include, but are not limited to, the California Building Standards Codes as adopted in Title 7 of this code, including the building, electrical, plumbing, and mechanical codes; the State Housing Law (Health and Safety Code section 17910 et seq.); and Title 8 of this code. (Ord. 2005-17 § 2.)

720-8.210 Exemptions.

- (a) All mobilehomes, manufactured homes, recreational vehicles, and other dwelling units located in a mobilehome park are exempt from this chapter.
- (b) Newly constructed buildings are exempt from this chapter for a period of 10 years. The exemption period for a building begins to run on the date the Building Inspection Department issues the initial notice of occupancy for the building. (Ord. 2005-17 § 2.)

720-8.212 Administration. This chapter is administered and enforced as deemed necessary by the County Building Official. The County Building Official may establish procedures implementing this chapter. (Ord. 2005-17 § 2.)

Article 720-8.4 Standards

720-8.402 Responsibility for Property Maintenance. Every property owner of a rental dwelling unit in the unincorporated area of the County shall:

- (a) Maintain the rental dwelling unit and its premises so that no substandard condition exists at the rental dwelling unit or on the premises;
- (b) Correct all substandard conditions before a reinspection occurs; and
- (c) Be liable for violations of this chapter regardless of any contract or agreement with any third party concerning the rental dwelling unit and its premises. (Ord. 2005-17 § 2.)

720-8.404 Exterior Maintenance Standards. Rental dwelling units and premises shall meet the following exterior maintenance standards:

- (a) Buildings, or portions of buildings, must have exterior walls that are weathertight and watertight, and kept free of deterioration, holes, breaks, or loose boards or coverings. Roof surfaces must be watertight and not have any defects that will allow water to enter into the structure.
- (b) The exterior finish of all structures on the premises must be maintained. If the exterior finish of a structure is paint or stain, the structure must be repainted or restained before the exterior finish has substantially deteriorated.
- (c) All architectural projections such as cornices, moldings, lintels, sills and similar projections must be maintained in good and safe condition and free of defects.
- (d) All chimneys, antennae, vents, gutters and downspouts and similar projections or building accessories must be structurally sound and in good and safe condition. These projections must be properly secured to an exterior wall or roof.
- (e) Windows must be soundly and adequately glazed, free from loose and broken glass and cracks that could cause physical injury or allow the elements to enter the structure. Exterior doors must be maintained weathertight, watertight and rodent proof.
- (f) All structures and exterior property must be maintained free of rodent, insect or vermin infestation, as set forth in Chapter 416-14 of this code.
- (g) All accessory structures must be maintained in a state of good and safe condition or removed from the site. These structures include, but are not limited to, clubhouses, offices, maintenance buildings, carports, retaining walls, fences, garages, swimming pools, spas, hot tubs, and miscellaneous sheds or structures. (Ord. 2005-17 § 2.)

720-8.406 Site Maintenance Standards. Rental dwelling units and premises shall meet the following site maintenance standards:

(a) All units and premises must be clear of weeds, vegetation, junk (including, but not limited to, abandoned, unused or nonoperational appliances, equipment, vehicles, machinery, or household furnishings), dead organic matter, debris, garbage, stagnant water, combustible materials, and similar materials or conditions that constitute fire, health, or safety hazards.

- (b) All parking areas must be clear of potholes, cracks or other deterioration. All striping and signage, including parking signage and fire lane or access signage, must be clearly legible and maintained in good condition.
- (c) All landscaped areas must be maintained so as not to constitute a public safety hazard and all dead or severely damaged plant materials shall be removed. If upon inspection the inspector reasonably determines that landscape areas constitute a public safety hazard, the property owner shall submit a landscape plan to the Community Development Department for approval. If a rental dwelling unit and premises are in a land use district requiring a development plan, the landscape plan must conform to the development plan initially approved by the County. All other landscape plans must provide for the replacement of all dead or severely damaged plant material with plant material equivalent to that removed. Landscape areas include right-of-ways and detention or pond areas. Driveways, hardscape parking areas, patios or walks are not included as landscape areas.
- (d) Refuse enclosures must be installed and maintained. All refuse must be kept inside the enclosure. Oversized trash that will not fit within the refuse enclosure, or designated receptacles, must be removed from the property. "Refuse" has the meaning set forth in Chapter 416-14. (Ord. 2005-17 § 2.)

Article 720-8.6 Enforcement

720-8.604 Inspections of Rental Dwelling Units.

- (a) Unless otherwise exempt under this chapter, every rental dwelling unit is subject to inspection by the County Building Official to determine whether any substandard condition exists at a rental dwelling unit or its premises.
- (b) Inspections under this chapter will occur on a periodic basis. The County Building Official will establish procedures specifying the frequency of inspections of rental dwelling units. (Ord. 2005-17 § 2.)
- 720-8.604 Notice of Intent to Inspect. Before an inspection occurs under this chapter, a notice of intent to inspect a rental dwelling unit will be mailed by first class mail to the property owner at the property owner's last known address as it appears on the latest equalized tax assessment roll of the County. In the case of multiple property owners, notice to any of the property owners is sufficient notice. The notice will state the date and time of the inspection. The inspection will be scheduled at least 14 days after the date the notice of inspection is mailed. (Ord. 2005-17 § 2.)

720-8.606 Notice to Tenants. The property owner must notify the individual tenants of the date and time of the inspection. (Ord. 2005-17 § 2.)

720-8.608 Refusal to Inspect. If the occupant of the unit does not consent to the entry for inspection, the County Building Official is authorized to seek an inspection warrant from a court of competent jurisdiction to cause the inspection to take place. (Ord. 2005-17 § 2.)

720-8.610 Notice and Order to Correct.

- (a) If, upon inspection, any substandard condition exists within the rental dwelling unit or its premises, the County Building Official will provide the property owner with a written "Notice and Order to Correct" that describes the substandard condition or conditions and the location of the substandard condition or conditions. The notice will specify a reasonable time for correction of the substandard condition or conditions that ranges, depending on the severity of the condition, from 24 hours to 60 days from the date of the notice.
- (b) If the property owner applies in writing to the County Building Official for an extension within the original correction period, the County Building Official may extend the period for correction of the substandard condition or conditions if the County Building Official determines that the property owner has established that correction has been diligently pursued but the correction could not be completed within the original correction period.
- (c) The Notice and Order to Correct will be mailed by first class mail to the property owner at the property owner's last known address as it appears on the latest equalized tax assessment roll of the County. In the case of multiple property owners, service of the Notice and Order to Correct on any of the property owners is sufficient. (Ord. 2005-17 § 2.)

720-8.612 Permits. Before initiating any correction of the substandard condition or conditions identified in the Notice and Order to Correct, the property owner of the rental dwelling unit shall obtain all necessary permits and pay all required fees for the permits, including, without limitation, any penalty imposed by this code by reason of any repair, improvement or maintenance which had been done in the past without a required permit, inspection or final approval. (Ord. 2005-17 § 2.)

720-8.614 Reinspections. One or more reinspections will be conducted to verify that the substandard condition or conditions identified in the Notice and Order to Correct have been corrected. Following the expiration of the correction period and any extensions, the property owner shall pay a reinspection fee and arrange with the County Building Official for reinspection of the property to determine whether the substandard condition or conditions have been corrected. The property owner

shall provide all required notice to any tenants. If the County Building Official appears at the rental dwelling unit for the inspection as scheduled and access is denied, the owner shall pay an additional reinspection fee for each subsequent scheduled reinspection. Violations not noted on the initial inspection report but discovered on reinspection must be corrected by the property owner as set forth in this chapter. (Ord. 2005-17 § 2.)

720-8.616 Self-Certification. Following receipt of a notice of intent to inspect, a property owner of four or more units may request to self-certify that the property meets the standards and requirements of this chapter. Self-certification shall occur as follows:

- (a) The property owner shall complete a self-certification application on form provided by the County Building Official and pay a self-certification fee. The property owner will then be provided with a self-certification checklist.
- (b) The property owner shall conduct a self-inspection of all rental dwelling units and the premises, and certify that the conditions at the property meet the standards listed on the self-certification checklist.
- (c) Upon the County Building Official's receipt of the checklist, the County Building Official will inspect 20 percent of the total rental dwelling units selected at random.
- (d) If no substandard conditions exist in the inspected rental dwelling units, the County Building Official will conduct no further inspections under the procedures established by this chapter until the next inspection period.
- (e) If one or more substandard condition exists at any of the inspected rental dwelling units, then all units will be inspected, a notice and order to correct will be issued for all substandard conditions in accordance with Section 720-8.610, and reinspections will occur in accordance with Section 720-8.614. (Ord. 2005-17 § 2.)

720-8.618 Remedies. If, after a Notice and Order to Correct, a property owner fails to correct the substandard condition(s) within the time allowed, the County may seek code compliance by any remedy allowed under this code, including but not limited to infraction prosecution (Chapter 14-8), administrative penalties (Chapter 14-12), abatement (Chapter 14-6), and any other remedy allowed by law, including notification to the Franchise Tax Board of the property owner's noncompliance for purposes of disallowance for state income tax purposes of interest, depreciation, taxes, or amortization deductions, derived from the property ownership of substandard rental housing as set forth in California Revenue and Taxation Code Section 24436.5. (Ord. 2005-17 § 2.)

720-8.620 Appeals. The property owner may appeal any determination of the County Building Official made under this chapter in the time allowed and in the manner prescribed in Chapter 14-4 of this code. (Ord. 2005-17 § 2.)

Article 720-8.8 Fees and Costs

720-8.802 Fees. Reinspection fees and self-certification fees will be in amounts established by the Board of Supervisors in the Building Inspection Department's fee schedule. (Ord. 2005-17 § 2.)

720-8.804 Relocation Costs. If any tenant is displaced from a rental unit after an order to vacate issued by the County Building Official because a violation is of such a nature that the immediate health and safety of the tenant is endangered, the costs and expenses of relocating the tenant from the unit are the responsibility of the property owner to the extent required by state law. (Ord. 2005-17 § 2.)

SECTION III. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on July 26 2005, by the following vote:
AYES: More, Peepho, De Saulnier, Florer and Wilhema NOES: None
NOES: None
ABSENT: None
ABSTAIN: None
ATTEST: JOHN SWEETEN, Clerk of the Board of Supervisors Double Reserved Board Chair
and County Administrator

By: five

[SEAL]

TLG:

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RESIDENTIAL RENTAL INSPECTION PROGRAM (RRIP)

STAFFING PLAN AND RELATED COSTS

Position	FTE	Rate	Total Costs	Culmulative Costs	
Direct Staffing					
Senior Clerk	1.0	66,000	66,000		
Account Clerk	0.5	65,000	32,500		
Building Inspector II	1.0	113,000	113,000		
Sr. Building Inspector	1.0	123,000	123,000		
Sub total	3.5		334,500		
Indirect Staffing					
Admin Staffing	0.5	70,000	35,000		
Principal Building Inspector	0.2	127,000	19,050		
Chief, Property Conservation	0.1	146,000	14,600		
Sub total	0.8		68,650		
Total Staffing Costs	4.3			\$403,150	
Annual Non-Staffing Costs					
Supplies, Equipment			12,000		
Software/Communication/Data Lir	nes		30,000		
Computers and Equipment			9,000		
Occupancy Cost	_		30,000		
Vehicles	2	12,000	24,000		
Sub total			105,000		
Total Annual Costs				\$508,150	
One Time Costs					
Software/Communication/Data Lir	nes		140,000		
Furniture			18,000		
Computers and Equipment 8,000					
Total One Time Costs/Five year average 166,000				***	
One time costs spread over five years ÷ 5				\$33,200	
Total Annual Cost of the RRIP				\$541,350	
Justification for inspection program Fees					
Average annual program cost for the five year implementation period				\$541,350	
Estimated number of inspections per year ÷				3,000	
·	per year		·	\$180	
Cost per inspection				\$100	
Justification for Self-Certification fee					
Estimated time to process each s	3				
Hourly cost of a clerical staff X				\$17	
Cost of processing self-certification requests				\$51	